

GENERAL COUNSEL  
OF COPYRIGHT

FEB 10 1998

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ORIGINAL

February 9, 1998

VIA TELECOPY AND MAIL

Hon. Lewis Hall Griffith, Chairman  
Hon. Edward Dreyfus  
Hon. Jeffrey S. Gulin  
c/o Ms. Gina L. Giuffreda  
Copyright Arbitration Royalty Panel  
Library of Congress  
P.O. Box 70977, Southwest Station  
Washington, DC 20024

Re: Noncommercial Educational Broadcasting  
Compulsory License, Docket No. 96-6  
CARP NCBRA

Dear Panel Members:

I am writing on behalf of BMI in response to Mr. Rich's February 5, 1998 letter concerning the location of our upcoming hearings.

As Mr. Rich notes, it was he who first proposed that the hearings be held in New York rather than Washington for reasons of economy. The logic of his suggestion appealed to us immediately and we readily concurred in his suggestion—recognizing that it was ultimately a matter for the Panel to decide.

We continue to believe that it would save all the parties a substantial amount of money if at least some of the hearings take place in New York. Mr. Rich's firm alone has at least four New York lawyers working on the matter. Since one of the arbitrators, all the outside lawyers, and the majority of witnesses are from the New York metropolitan area we think the arithmetic on this is quite simple.

From Mr. Rich's letter, we understand that Ms. Zedd is PBS's principal client representative in this matter, that she expects to attend all the hearings, and that she cannot travel to New York. Based on this understanding, we are prepared to acquiesce in the broadcasters'

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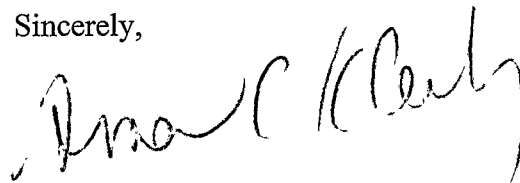
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new request that all the hearings be scheduled for Washington, notwithstanding the greater overall cost and inconvenience entailed. If, as, and when Ms. Zedd has left her role in these proceedings, for maternity leave or in the ordinary course, we might ask the Panel to reconsider the issue as to whatever hearings then remain. Similarly, if specific conditions arise during the proceedings whereby an especially strong reason is presented that particular hearing sessions be held in New York—such as to accommodate a witness—we might ask to shift the location of those sessions.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel K. Beutler". The signature is written in a cursive, flowing style.

cc: R. Bruce Rich, Esq.  
Philip H. Schaeffer, Esq.

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